

SENATE BILL No. 391

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-19.

Synopsis: Adoptions. Prohibits a court from waiving any criminal history check requirements regarding adoptions. Allows a court to waive: (1) the period of supervision before an adoption; and (2) the report regarding the investigation and recommendation as to the advisability of an adoption; if the prospective adoptive parent is a stepparent or grandparent of the child. Requires a court to determine if a county office of family and children or a licensed child placing agency is to conduct the period of supervision of a child before an adoption. Permits a court to require the county office of family and children or a licensed child placing agency to investigate any matter related to an adoption.

Effective: July 1, 2007.

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January 11, 2007, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 391

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-19-2-7.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 7.3. A court may not waive any criminal history**
4 **check requirements set forth in this chapter.**

5 SECTION 2. IC 31-19-8-1, AS AMENDED BY P.L.145-2006,
6 SECTION 248, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2007]: Sec. 1. An adoption may be granted in
8 Indiana only after:

9 (1) the court has heard the evidence; and
10 (2) **except as provided in section 2(c) of this chapter**, a period
11 of supervision, as described in section 2 of this chapter, by a
12 licensed child placing agency or **the** county office of family and
13 children approved for that purpose by the department.

14 SECTION 3. IC 31-19-8-2 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) **Except as**
16 **provided in subsection (c)**, the period of supervision required by
17 section 1 of this chapter may be before or after the filing of a petition

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for adoption, or both.

(b) The length of the period of supervision is within the sole discretion of the court hearing the petition for adoption.

(c) A court hearing a petition for adoption of a child may waive the period of supervision under subsection (a) if one (1) of the petitioners is a stepparent or grandparent of the child and the court waives the report under section 5(c) of this chapter.

SECTION 4. IC 31-19-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) **Except as provided in subsection (c),** not more than sixty (60) days from the date of reference of a petition for adoption to each appropriate agency, each agency **or the county office of family and children** shall submit to the court a written report of ~~and the agency's~~ investigation **and** recommendation as to the advisability of the adoption.

(b) The agency's **or county office of family and children's** report and recommendation:

- (1) shall be filed with the adoption proceedings; and
- (2) become a part of the proceedings.

(c) A court hearing a petition for adoption of a child may:

- (1) waive the report required under subsection (a) if one (1) of the petitioners is a stepparent or grandparent of the child and the court waives the period of supervision under section 2(c) of this chapter; and**
- (2) require the county office of family and children or a child placing agency to:**

- (A) investigate any matter related to an adoption; and**
- (B) report to the court the results of the investigation.**

SECTION 5. IC 31-19-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The agency's **or county office of family and children's** report must, to the extent possible, include the following:

- (1) The former environment and antecedents of the child.
- (2) The fitness of the child for adoption.
- (3) Whether the child is classified as hard to place:
 - (A) because of the child's ethnic background, race, color, language, physical, mental, or medical disability, or age; or
 - (B) because the child is a member of a sibling group that should be placed in the same home.
- (4) The suitability of the proposed home for the child.

(b) The report may not contain any of the following:

- (1) Information concerning the financial condition of the parents.
- (2) A recommendation that a request for a subsidy be denied in

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1 whole or in part due to the financial condition of the parents.

2 (c) The criminal history information required under IC 31-19-2-7.5
3 must accompany the report.

4 SECTION 6. IC 31-19-8-7 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The court shall
6 summarily consider the agency's **or county office of family and**
7 **children's** report. If the court finds that further investigation or further
8 supervision is necessary, the court shall continue the case to a later date
9 that the court considers advisable for final determination. At that time
10 the court shall determine the case.

11 SECTION 7. IC 31-19-8-8 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The report and
13 recommendation of the agency **or county office of family and**
14 **children** are not binding on the court but are advisory only.

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